UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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2625	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DETAILED ACTION

Response to Arguments

Applicant's arguments filed 02 September 2008 have been fully considered but they are not persuasive.

Regarding page 16, line 1 to page 19, line 2: *Applicant argues* that the combination of Katsuo (US-5,721,883) in view of Sugiyama (US-5,633,723) and Poon ("Performance Analysis of Median Filtering on Meiko – A Distributed Multi-Processor System") does not teach the limitation "a user interface for receiving **user input**, the user input specifying a multimedia function to perform on the time-based media and **specifying a distribution of processing power for carrying out the specified multi-media function**, when carrying out the specified multi-media function includes selecting a range of the time-based media." Applicant further argues that Examiner's treatment of the aforementioned claim element is piecemeal.

Examiner replies that Katsuo discloses an interface (figure 1(10) of Katsuo) for receiving input (column 5, lines 25-33 of Katsuo – *input with respect to the particular cases, which is needed to compile the parallel program code*), the input specifying a multimedia function to perform on the media (column 5, lines 33-44 of Katsuo) and specifying a distribution of processing power for carrying out the specified multimedia function (column 4, lines 22-30 and column 6, lines 40-49 of Katsuo). Sugiyama teaches a user interface for receiving user input, the user input specifying a user selections of processing parameters (figure 1(21-25) and column 3, line 57 to column 4, line 8 of Sugiyama). The distribution of processing power for carrying out the specified multimedia function is one of the processing parameters taught by Katsuo. The user interface of Sugiyama receives a user input specifying user selection of processing parameters. Thus, by combination, Katsuo and Sugiyama teaches a user interface for receiving user input, the user input specifying a multimedia function to perform on the time-based media and specifying a distribution of processing power for carrying out the specified multi-media function. Selecting a range of the time-based media is also taught by Sugiyama on column 3, lines 57-61 and column 4, lines 43-64. Thus, the limitation argued by Applicant is fully taught by the combination of references. Since only the references themselves have been required to support an obviousness rejection, Applicant's disclosure has not at all been relied upon and thus no impermissible hindsight has been employed.

Further, a user interface, which allows a user to manually enter data, is abundantly well-known and commonly practiced in the art. One book which deals with this subject is <u>User Interface Design</u> by Soren Lauesen ["Lauesen"]. A user interface is simply a means of obtaining user input *via* various

means, such as data entry fields, command lines, mouse buttons, *et cetera*, and displaying output [see Lauesen, page ix and page 4, paragraphs 1-3]. On a software level, the user input is passed to a specific variable, which then stores the received value. Given the myriad uses to which user interfaces have been employed in the art [*e.g.*, US-5,761,380 to Lewis et al and US-5,428,555 to Starkey et al which show user interfaces for setting parameters in distributed computing systems; US-5,757,897 to LaBarbera which shows a user interface for a telephone switch call control unit; US-5,877,764 to Feitelson et al which shows a graphical user interface for managing input and output of text between a user and a parallel program; and, of course, the common personal computer, with commonly installed software, with a wide variety of different types of inputs and outputs available], applying this concept to yet another use would not only have been obvious to one of ordinary skill in the art at the time of the invention, but is merely what is expected in the art as the normal course of development. One of ordinary skill in the art is also one of ordinary creativity, and not an automaton. Given the graphical user interface taught by Sugiyama which allows a user to input processing parameters, it would have been obvious to include the ability to input *other* processing parameters, such as the distribution of processing power taught by Katsuo.

   Regarding page 19, line 3 to page 20, line 12: Firstly, Examiner did not rely upon Official Notice to teach that user interfaces can be designed to set all manner of variables. Page 2 of the final rejection of 03 July 2008 is a response to Applicant's remarks and is meant to be further explanatory of the rejection. It is not a part of the prior art rejections. However, this commonly known fact is taught in the aforementioned citations of the Lauesen reference. For example, paragraphs 2-3 on page 4 of Lauesen discusses how a user interface can function, along with the wide variety of inputs that are available. The whole purpose of a graphical user interface is human-computer interaction. The data entered is simply data. How the data is manipulated depends upon the underlying software program and/or hardware.

   Additionally, Applicant appears to be ignoring the combination of references set forth in the final office action, and is instead insisting that one and only one reference must fully teach the limitation in question. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Further, Katsuo and Poon do not teach away from the use of a user interface. Katsuo and Poon do not disparage the use of a user interface or manual setting of processing distribution, or otherwise state that a user interface or manual setting of processing distribution would be inadvisable. While on their own, Katsuo and Poon may prefer the use of

an automated determination of the distribution of processing power, this in no way prevents any modification of the systems presented therein.

Regarding page 20, line 13 to page 22, line 4: The remaining claims are argued based either on arguments similar to those given for claim 1, or on their respective dependencies from allegedly allowable independent claims. Claim 1 is shown above to be fully taught by the prior art, so the remaining claims cannot therefore be deemed allowable merely due to a similar rationale or due to their respective dependencies.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is (571)272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward L. Coles/	/James A Thompson/
Supervisory Patent Examiner, Art Unit 2625	Examiner, Art Unit 2625

12 September 2008